

1 McGREGOR W. SCOTT  
2 United States Attorney  
3 MARY L. GRAD  
4 Assistant U.S. Attorney  
5 501 I Street, Suite 10-100  
6 Sacramento, California 95814  
7 Telephone: (916) 554-2763

8  
9 IN THE UNITED STATES DISTRICT COURT FOR THE  
10  
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA, ) CR. NO. S-05-113-LKK  
13 v. )  
14 SERGIO CURIEL, SR., and ) PRELIMINARY ORDER OF  
15 CELINA CURIEL, ) FORFEITURE RE: REAL AND  
16 Defendant. ) PERSONAL PROPERTY OF  
 ) DEFENDANTS SERGIO CURIEL,  
 ) SR. AND CELINA CURIEL  
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17 Based upon the plea agreements entered into between plaintiff  
18 United States of America and defendants Sergio Curiel, Sr. and  
19 Celina Curiel, it is hereby

20 ORDERED, ADJUDGED AND DECREED as follows:

21 1. Pursuant to 21 U.S.C. § 853(a), defendants Sergio Curiel,  
22 Sr. and Celina Curiel's interest in the following property shall be  
23 condemned and forfeited to the United States of America, to be  
24 disposed of according to law:

25 a) Real property located at 2249 Somerset Drive,  
26 Stockton, CA, APN: 171-280-41;

27 b) Real property located at 451 W. 9<sup>th</sup> Street, Stockton,  
28 CA, APN: 165-183-19;

c) Approximately \$138,000.00 in U.S. Currency seized on

1 or about March 10, 2005 from Bank of Stockton Safe Deposit  
2 Box #289;

3 d) Approximately \$75,000.00 in U.S. Currency seized from  
4 a PT Cruiser, California License Number 5KAV268 at the  
residence located at 2249 Somerset Avenue, Stockton,  
California on or about March 10, 2005, and

5 e) Approximately \$923.00 in U.S. Currency seized from the  
6 residence located at 2217 Somerset Drive, Stockton,  
California on or about March 10, 2005.

7 2. The above-listed property constitutes, or is derived from,  
8 proceeds obtained, directly or indirectly, or was used or intended  
9 to be used, in any manner or part, to commit, or to facilitate the  
10 commission of a violation of 21 U.S.C. §§ 841(a)(1) and/or  
11 856(a)(2).

12 3. Pursuant to Rule 32.2(b), the Attorney General (or a  
13 designee) shall be authorized to seize the above-described property.  
14 That the aforementioned property shall be seized and held by the  
15 United States Marshals Service, in its secure custody and control.

16 4. a. Pursuant to 21 U.S.C. § 853(n) and Local Rule 83-171,  
17 the United States forthwith shall publish at least once for three  
18 successive weeks in the Stockton Record (San Joaquin County), a  
19 newspaper of general circulation located in the county in which the  
20 above-described property is located or was seized, notice of this  
21 Order, notice of the Attorney General's intent to dispose of the  
22 property in such manner as the Attorney General may direct, and  
23 notice that any person, other than the defendants, having or  
24 claiming a legal interest in the above-listed property must file a  
25 petition with the Court within thirty (30) days of the final  
26 publication of the notice or of receipt of actual notice, whichever  
27 is earlier.

28 b. This notice shall state that the petition shall be for

1 a hearing to adjudicate the validity of the petitioner's alleged  
2 interest in the property, shall be signed by the petitioner under  
3 penalty of perjury, and shall set forth the nature and extent of the  
4 petitioner's right, title or interest in the property and any  
5 additional facts supporting the petitioner's claim and the relief  
6 sought.

7 c. The United States may also, to the extent practicable,  
8 provide direct written notice to any person known to have alleged an  
9 interest in the property that is the subject of the Order of  
10 Forfeiture, as a substitute for published notice as to those persons  
11 so notified.

12 5. If a petition is timely filed, upon adjudication of all  
13 third-party interests, if any, this Court will enter a Final Order  
14 of Forfeiture pursuant to 21 U.S.C. § 853(a) in which all interests  
15 will be addressed.

16 SO ORDERED this 1st day of November, 2006.  
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21 LAWRENCE K. KARLTON  
22 SENIOR JUDGE  
23 UNITED STATES DISTRICT COURT  
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